IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1893/2007

BANEY SINGH RAJPUT Vs. PUNJAB NATIONAL BANK

DATE: 10.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Manu Bhargava for the petitioner.

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By way of this writ petition, the petitioner has claimed following reliefs:-

> "(i) By an appropriate writ order or direction this Hon'ble Court pleased to direct the respondent Bank to furnish the detail of the due amount as against the petitioner.
>
> (ii) By an appropriate writ order or direction this Hon'ble Court further pleased to direct the respondent to release 33 Bigha land of the petitioner which had been mortgaged with the respondent Bank at the time of taking loan.
>
> (iii)By an appropriate writ order or direction this Hon'ble court further pleased to declare the action of the respondent illegal in withholding the 33 Bigha land of the petitioner without any reason.
>
> (iv) By an appropriate writ order or direction this Hon'ble Court further pleased to direct the respondent Bank to pay exemplary cost to the petitioner for withholding the

> land of the petitioner without any reason and for not furnishing the details of the loan amount.
>
> (v) The cost of the writ petition may kindly be awarded.
>
> (vi) Any other appropriate order or direction which the Hon'ble High Court thinks just and proper."

Upon bare perusal of the relief claimed by the petitioner, the first prayer of the petitioner is that the respondent Bank be directed to furnish details of the amount due against the petitioner. So far as this relief is concerned, the respondent Bank is expected to furnish the statement of account and the petitioner is also advised to furnish the details of deposits made by him against the due amount.

As regards the second relief claimed by the petitioner to release 33 Bigha land of the petitioner which has been mortgaged with the respondent Bank at the time of taking loan, the same can only be released after realisation of the total amount due against the petitioner. Therefore, to this effect, no relief can be granted to the petitioner.

Since the relief is not granted by this Court for releasing 33 Bigha land, it cannot be said that the action of respondent is illegal in withholding 33 Bigha

land of the petitioner.

With these observations, the writ petition stands dismissed without issuing notice to the respondent, as observed herein above.

(K.S. RATHORE),J.

/KKC/